

October 16, 2002

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VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: Request for Amendment of the Commission's Rules
to Prohibit Daily Business Communications on Family
Radio Services ("FRS") Frequencies
RM No. 10564

Dear Secretary Dortch:

The Boeing Company ("Boeing"), through its attorneys, herein provides comment in the above captioned proceeding in order to express its support for prompt Commission action to clarify its rules for the Family Radio Service ("FRS").¹

The Commission created FRS to "help fill a market niche in short distance, personal communication needs" that would "enable families, friends and associates to communicate among themselves within neighborhoods and while on group outings."² The Commission expressly declined to prohibit commercial use of FRS radios, however, concluding that "it is very unlikely that FRS would be used as a substitute for a commercial service given (1) its very low authorized power and limited range; (2) its lack of exclusive channel assignments for any user; and (3) the lack of privacy of plain language FM voice communications."³

Despite the Commission's expectations, business and industry are making substantial use of FRS radio equipment in commercial situations. Boeing believes that the Commission should resolve this ambiguous situation by clarifying the appropriate uses of FRS frequencies.

¹ See Public Notice, *Consumer & Governmental Affairs Bureau Reference Information Center, Petition for Rulemaking Filed*, Report No. 2576 (Sept. 17, 2002).

² *Very Short Distance Two-Way Voice Radio Service*, Report and Order, FCC 96-215, WT Docket No. 95-102, ¶ 2 (May 15, 1996).

³ *Very Short Distance Two-Way Voice Radio Service*, Memorandum Opinion and Order, FCC 98-293, WT Docket No. 95-102, ¶¶ 4-5 (Nov. 9, 1998).

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The express language of Section 95.401 of the Commission's rules is unclear regarding the commercial use of FRS radios. Section 95.401 lists FRS as one of six services included in the Citizens Band Radio Services. Section 95.401(a) then indicates that Citizens Band Radio Services can be used for business purposes. Thus, although Section 95.401(b) indicates that FRS radios are intended only for "facilitating family and group activities,"⁴ Section 95.401(a) appears to indicate that other uses are also permissible.

The Commission should clarify this situation and expressly determine whether FRS channels can be used for daily business communications. Thank you for your attention to this matter. Please let us know if you have any questions.

Sincerely,

/s/ David A. Nall

David A. Nall

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⁴ 47 C.F.R. § 95.401(b) (2001).